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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/212,442	12/16/1998	UDO BARTSCH	3597-16	8450

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EXAMINER

PRETLOW, DEMETRIUS R

ART UNIT

PAPER NUMBER

2863

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/212,442

Applicant(s)

BARTSCH ET AL.

Examiner

Demetrius R. Pretlow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-51 and 53-55 is/are rejected.
- 7) ☒ Claim(s) 52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 36,37,42,45,46,53 and 54 are rejected under 35 U.S.C. 102(b) as being anticipated by Neumann et al. (US 4,409,669). Neumann et al. teach a clock.
Note Neumann et al. column 68 to column 2, lines 1-7. Neumann et al. teach a plurality of measuring modules having a data input unit, and indicator unit. Note Neumann et al. column 17, lines 58-60. Neumann et al. teach a data processing unit. Note column 7, lines 63-66. Neumann et al. teach a releasable coupler for non-galvanically coupling one of the measuring modules with the clock for the transmission of data between the clock and the selected measuring module.
Note column 7, lines 32-40. Neumann et al. teach each of the modules can be selectively coupled to the clock by means of the coupler to provide a measuring function associated with time data provided by the clock. Note Neumann et al. column 7, lines 32-62.

In reference to claim 37, Neumann et al. teach a housing wherein the clock and the selected measuring module are supported in the housing. Note Neumann et al. Figure 7 and Figure 12.

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In reference to claim 42, Neumann et al. teach wherein the coupler further comprises a device for wirelessly transmitting the data by way of at least one transmitter in the clock/ and or at least one receiver in the measuring module. Note Neumann et al. column 7, lines 40-42.

In reference to claim 45, Neumann et al. teach at least one of the measuring modules includes an alarm device. Note Neumann et al. column 5, lines 45-48.

In reference to claim 46, Neumann et al. teach wherein at least one of the measuring modules is configured for the carrying out of calculation functions. Note Neumann et al. column 7, lines 20-27.

In reference to claim 53, Neumann et al. teach one of the measuring modules is configured to provide an analysis of a body fluid. Note Neumann et al. column 7, lines 20-22.

In reference to claim 54, Neumann et al. teach one of the measuring modules is configured to measure a parameter of the human body. Note Neumann et al. column 7, lines 20-27.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neumann et al. in view of Karr et al. Neumann et al. teach all of the limitations above.

Neumann et al. does not teach wherein the clock comprises a time indicator, which is selectively settable to a null point and which, after ending of a measurement, is resettable to the actual time.

Karr et al. teach the clock comprises a time indicator, which is selectively settable to a null point and which, after ending of a measurement, is resettable to the actual time. Note Karr et al. column 5, lines 27-48.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Neumann et al. to include the teaching of Karr et al. because it would allow the user to view the time of day after the person has finished running. Note Karr et al. column 5, lines 27-48.

5. Claim 39 – 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neumann et al. in view of Allgaeir et al. Neumann et al. teach all of the limitations above.

Neumann et al. does not teach the clock is an analog time indicator having hands and the coupler includes means to obtain time data.

Allgaeir et al. teach the clock is an analog time indicator having hands and the coupler includes means to obtain time data. Note Allgaeir et al. abstract lines 1-17.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Neumann et al. to include the teaching of

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Allgaeir et al. because it will provide a simpler query of position and the transfer of the display elements into a predetermined display position, in particular a reference position, that may be carried out. Note Allgaier et al. column 1, lines 53-58.

In reference to claim 40, Neumann et al. does not teach the means for obtaining time data from the clock includes optically obtaining the hand positions.

Allgaeir et al. teach means for obtaining time data from the clock includes optically obtaining the hand positions. Note Allgaeir et al. Abstract lines 1-17.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Neumann et al. to include the teaching of Allgaeir et al. because it will provide a means for detection and correction of hands setting which provide a simpler query of position and the transfer of the display elements into a predetermined display position, in particular a reference position, that may be carried out. Note Allgaier et al. column 1, lines 53-58, and Abstract lines 1-17.

6. Claims 41,43 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neumann et al. in view of Kita. Neumann et al. teach all of the limitations above.

Neumann et al. does not teach the clock comprising a digital indicator having an LCD screen, the LCD screen being selectively to dark, and wherein the selected measuring module includes a counter triggerable by a sensor coupled to the LCD screen.

Kita teach the clock comprising a digital indicator having an LCD screen, the LCD screen being selectively to dark, and wherein the selected measuring module. A counter

triggerable by a sensor coupled to the LCD screen would be inherent to the invention of Kita. Note Kita column 6, lines 27-37 and column 4, lines 46-54.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Neumann et al. to include the teaching of Kita because it would allow the display of body parameters such as blood pressure, body temperature, skin resistance of the user so that the user can monitor his or her body parameters such as pulse rate while exercising or working. Note Kita column 9, lines 50-52.

In reference to claim 49, Neumann et al. does not teach at least one of the modules includes a radio receiver.

Kita teach at least one of the modules includes a radio receiver. Note Kita column 3, lines 30-34.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Neumann et al. to include the teaching of Kita because it would allow the sensor data to be stored in real time while the user is exercising or working. Note column 4, lines 46-54.

In reference to claim 43, Neumann et al. does not teach an arm band coupled to the housing to be carried on the wrist.

Kita teach an arm band coupled to the housing to be carried on the wrist. Note Kita column 2, line 64 and Figure 2.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Neumann et al. to include the teaching of

Kita because it would allow the sensor to be placed on the body at a position where data on his pulse or pace rate can be sensed. Note Kita column 2, lines 41-44.

7. Claims 44,47,48 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neumann et al. in view of Castellano et al. Neumann et al. teach all of the limitations above.

Neumann et al. does not teach at least one of the measuring modules is configured for the carrying out of supervisory functions.

Castellano et al. teach at least one of the measuring modules is configured for the carrying out of supervisory functions. Note Castellano et al. column 9, lines 3-8.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Neumann et al. to include the teaching of Castellano et al. because it would remind the user of the last injection event reducing the chance of double dosing. Note Castellano et al. column 9, lines 3-8.

In reference to claim 48, Neumann et al. does not teach at least one of the measuring modules is configured to indicate the amount and the application time of point of a medication.

Castellano et al. teach at least one of the measuring modules is configured to indicate the amount and the application time of point of a medication. Note Castellano et al. column 9, lines 29-32.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Neumann et al. to include the teaching of

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Castellano et al. because it would allow the doctor to download the stored information for review. Note Castellano et al. column 9, lines 29-32.

In reference to claim 51, Neumann et al. does not teach a measuring module includes a contact surface coupled to the data processing unit for data exchange with an external device.

Castellano et al. teach a contact service (46) for data exchange with an external device. Note Castellano et al column 9 lines 37-45.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combined invention of Karr et al. and Helm et al. to include the teaching of Castellano et al. because it would allow the doctor to download stored medical information for review. Note Castellano et al column 9 lines 37-45.

In reference to claim 44, Neumann et al. does not teach one of the measuring modules comprises a memory coupled to both the data processing and the data input units.

Castellano et al teach one of the measuring modules comprises a memory coupled to both the data processing and the data input units. Note Castellano et al column 13, lines, 61-67.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Karr et al and Helm et al. to include the teaching of Castellano et al. because it would allow program instructions to be uploaded and information downloaded. Note Castellano et al column 13, lines, 61-67.

8. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neumann et al. in view of Garcia et al. Neumann et al. teach the limitations above.

Neumann et al. does not teach one of the measuring modules includes a speech module coupled to the data processor.

Garcia et al. teach of the measuring modules includes a speech module coupled to the data processor. Note Garcia et al. column 7, lines 7-12.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Neumann et al. to include the teaching of Garcia et al. because it would allow the device to state the reading, the time, and the day when the measurements were taken so that chiming at preset times for medical reasons can be eliminated. Note Garcia et al. column 7, lines 2-8.

9. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Neumann et al. in view of Heiser et al. Neumann et al. teach all of the limitations above.

Neumann et al. does not teach a measuring module configured to measure a parameter of the environment.

Heiser et al. teach a measuring module configured to measure a parameter of the environment. Note Heiser et al. abstract lines 1-9.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Neumann et al. to include the teaching of Heiser et al. because it would provide positional information of a subject moving within

an operational environment of the system and updating information relating to locations within the operational environment over time. Note Heisler et al. column 2, lines 24-26.

Allowable Subject Matter

10. Claim 52 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The primary reason for the allowance of 52 is the inclusion of the limitations of an measuring module, comprises an alarm device coupled to the data processing unit wherein the alarm device can be actuated when a data exchange has ended. It is these limitations found in each of the claims, as they are claimed in the combination, that has not been found, taught or suggested by the prior art of record which makes these claims allowable over the prior art.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Demetrius R. Pretlow whose telephone number is (703) 308-6722. The examiner can normally be reached on Monday - Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow, can be reached at (703) 308-3126. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

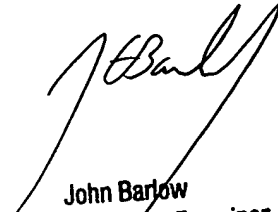
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Demetrius R. Pretlow

Patent Examiner

Demetrius Pretlow 5/2/03


John Barlow
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